

Impairment and Accommodations

Federal Law	What Is the Rule?	Definition of Impairment	Examples and Notes
Rehabilitation Act of 1973, Section 504	Protection of disabled persons from discrimination if institution receives government financial assistance. Disorder must impair learning or functioning in school. (Diagnosis alone is not sufficient.). 504 guarantees opportunity, not success! 504 is not a program. 504 is formal or informal. What data will be used to evaluate the child? -- testing, grades, teacher reports, test scores.	Mental impairment which substantially limits a major life activity, in that it limits the equal opportunity to be successful. So, academic, behavioral, social, emotional difficulties (not enough for IDEA). Note child might not be behind, therefore not IDEA eligible, and be 504 eligible.	EEOC recognizes thinking, concentration, and learning to be major life activities Unable to make or keep friends, poor anger control, below level academics, noncompliant, poor completion of tasks and assignments, off-task, difficulty with instructions, poor note taking, disorganized, test taking problems
Individuals with Disabilities Education Act, IDEA, 1997	Individual Education Plan (IEP), IDEA sets out a formal process for children with disabilities, leading to a written plan to increase achievement. IDEA empowers civil action in state or federal court. Promotes main-streaming. Provides free public education in least restrictive environment + related services [transport, psych, social work, parent training] to prepare for employment and independent living. IEP - written, evaluation of performance, determine disability affects performance, setting measurable goals for progress in the curriculum, statement of special ed services, transition services. Annual reviews, re-evaluations every 3 years	Disability significantly interferes with school achievement such that child requires special education (ASD, hearing or sight impaired, emotional disturbances, MR, speech-language, TBI, LD, health impairment, other health impairment)	The child's needs are substantial - expected to be 1-2 years behind age mates. Child must need special education, not just other services. ADHD is not automatically included - must have LD or emotional disturbance, may qualify under other health impairment
Americans with Disabilities Act, ADA, 1990	Protection from discrimination for individuals with disabilities which substantially limit major life activities compared to average person, after taking into account the effects of compensatory strategies, including medications	an impairment substantially limits a person's major life activity, as to conditions, manner, or duration under which they can be performed, compared to others (taking into account the medications)	e.g., can person learn (read, take a test) as well as others in general population The higher the person's performance and the more he/she did without accommodations, the less like ADA will apply.

Documenting Impairment

1. History of diagnosis and the supporting symptoms for DSMIV. Examples helpful.
2. History of impairment in academic and work performance, including learning, social skills, emotional skills which substantially limits a major life activity. **[Note:** history of average performance without needing accommodations suggests none are needed. If proper treatment produces average performance, then no further accommodations are necessary.]
3. History of past accommodations **[Note:** that they were needed before is helpful to proving they are needed.]
4. Current impairment in the present situation under consideration.
5. Accommodation which might ameliorate the effect of the impairment with the goal of bringing about average performance. Do not leave it only for the school to come up with accommodations - what might give the child an experience or outcome more like others, what has helped before, what is getting in the way of success?
6. Process for evaluating the effectiveness of the accommodation.

Requesting Accommodations

ADHD	Pediatric Bipolar
<p>Behavioral</p> <ul style="list-style-type: none"> • daily reports home • behavior contracting, with teacher participation • incentive systems • prepare for transitions • maintain routines • high level of frequent positive feedback • graphic explanation of instructions • carefully worded and simple instructions • anger management • taking breaks for exercise or movement • calming down area • desk not in pods or clusters • buddy system <p>Academic</p> <ul style="list-style-type: none"> • shorten assignments • double test time or untimed tests • separate testing room • breaks during tests • use of notes for tests • note taker • tutor • frequent breaks • buddy system • check homework assignment book daily • daily reports home • computer and oral presentations rather than written • deliver long term assignments in short term pieces • keep desk away from distractions • provide summary sheets with key points, concepts, ideas, data • use technology • meetings with treatment personnel, parents, regularly • don't lower learning expectations 	<p>Behavioral</p> <ul style="list-style-type: none"> • goals set each week with rewards for achievement • placement in a day hospital treatment program for periods of acute illness that can be managed without inpatient hospitalization • placement in a residential treatment center during extended periods of illness if a therapeutic day school near the family's home is not available or is unable to meet the child's needs • See the ADHD behavioral suggestions <p>Academic</p> <ul style="list-style-type: none"> • preschool special education testing • preschool program • small class size (with children of similar intelligence) • self-contained classroom for part or all of the day • education aide to assist child in class • back-and-forth notebook between home and school to assist communication • homework reduced, deadlines extended during depressions • late start to day if fatigued • recorded books • a "safe place" at school when overwhelmed • designation of a 'safe' staff member • unlimited access to bathroom • unlimited access to drinking water • art therapy and music therapy • extended time on tests • use of calculator for math • extra set of books at home • use of keyboard or dictation • time with social worker/school psychologist • social skills groups • in-service training for teachers • team meetings with school and treatment team • enriched art, music, or other areas of particular strength • tutoring during extended absences • summer services such as day camps and special education summer school • placement in a therapeutic day school during extended relapses or to provide a period of extra support after hospitalization and before returning to regular school